

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
FILED: 1/29/08

JUDGE

ALLEN BROWN,

Plaintiff,

-against-

DEPT. OF CORRECTIONS NYC RNDC
FACILITY,

Defendant.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

07 Civ. 3481 (SHS)(DCF)

(SAS)

-----X

WHEREAS, plaintiff commenced this action by filing a complaint on or about May 2, 2007, alleging that defendant New York City Department of Correction violated plaintiff's federal civil and state common law rights; and

WHEREAS, defendant New York City Department of Correction has denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum of Two Thousand Five Hundred (\$2,500.00) Dollars in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff

agrees to dismissal of all the claims against defendant and to release defendant, any present or former employees and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged by plaintiff arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendant's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendant that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

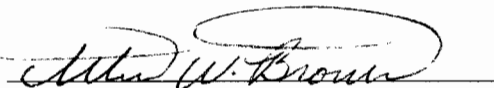
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York

JAN 29, 2008

ALLEN BROWN
Plaintiff *Pro Se*
#825-07-00348
North Infirmary Command
15-00 Hazen Street
East Elmhurst, New York 11370

By:



ALLEN BROWN
Plaintiff *Pro Se*

MICHAEL A. CARDOZO, ESQ.
Corporation Counsel of the
City of New York
Attorney for DOC
100 Church Street
New York, New York 10007
(212) 788-0906

By:



SHAWN FABIAN (SF4606)
Assistant Corporation Counsel

SO ORDERED:


U.S.D.J.